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Attorneys for Defendants
SEQUOIA UNION HIGH SCHOOL DISTRICT,
STEPHEN EMMI and NICK MUYS

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

K.C., by and through his Guardian ad Litem,
MYISCHA THOMPSON; D.B., by and through
his Guardian ad Litem, LIBRA WHITE,

Plaintiffs,

v.

TOWN OF ATHERTON, a municipal
corporation; DAVID METZGER, individually
and in his official capacity as a police sergeant
for the TOWN OF ATHERTON; DIEGO
ROMERO, individually and in his official
capacity as a police officer for the TOWN OF
ATHERTON; IGOR DAVIDOWICH,
individually and in his official capacity as a
police officer for the TOWN OF ATHERTON;
JOSHUA GATTO, individually and in his
official capacity as a police officer for the
TOWN OF ATHERTON; DIMITRI
ANDRUHA, individually and in his official
capacity as a police officer for the TOWN OF
ATHERTON; SEQUOIA UNION HIGH
SCHOOL DISTRICT, a municipal corporation;
STEPHEN EMMI, individually and in his
official capacity, NICK MUYS, individually
and in his official capacity, and DOES 1-100,
inclusive, individually, jointly, and severally,

Defendants.

Case No. 3:24-cv-00507

**STIPULATION TO CONTINUE CASE
MANAGEMENT CONFERENCE; [PROPOSED]
ORDER**

Hon. Rita F. Lin

1 Plaintiffs K.C., by and through his Guardian ad Litem, MYISCHA THOMPSON and D.B., by
2 and through his Guardian ad Litem, LIBRA WHITE (collectively hereinafter "Plaintiffs") and
3 Defendants SEQUOIA UNION HIGH SCHOOL DISTRICT, STEPHEN EMMI and NICK MUYS
4 (collectively hereinafter "District Defendants") by and through their counsel of record, hereby represent
5 to the Court and stipulate as follows:

6 1. On April 1, 2024, Plaintiffs filed their First Amended Complaint ("FAC"). The FAC added
7 SEQUOIA UNION HIGH SCHOOL DISTRICT and NICK MUYS as named defendants to this Action.
8 (See Docket No. 12.)

9 2. Following service of the FAC on the District Defendants, the District Defendants filed a Motion
10 to Dismiss the FAC on May 10, 2024. (See Docket No. 20.) The hearing on the Motion to Dismiss is set
11 for June 25, 2024.

12 3. Defendants TOWN OF ATHERTON, DAVID METZGER, DIEGO ROMERO, IGOR
13 DAVIDOWICH, JOSHUA GATTO, DIMITRI ANDRUHA (collectively "Town Defendants") via
14 counsel, were served with Waiver of Service of Summons forms and documents on April 22, 2024. The
15 Town Defendants' responsive pleading deadline is July 8, 2024.

16 4. Given that the pleadings are unsettled and that the Town Defendants have not yet appeared in this
17 matter, Plaintiffs and the District Defendants respectfully stipulate and request that the Initial Case
18 Management Conference, which is presently set for June 12, 2024, at 10:00 a.m. be continued by 60-90
19 days to a date that is convenient for the court.

20 It is so stipulated and agreed.

21
22 Dated: June 4, 2024

BERTRAND, FOX, ELLIOT, OSMAN & WENZEL

23
24 By: /s/ Mika J. Frisk

Michael C. Wenzel

Mika J. Frisk

Attorneys for Defendants

SEQUOIA UNION HIGH SCHOOL DISTRICT,
STEPHEN EMMI and NICK MUYS

1 Dated: June 4, 2024

Burris Nisenbaum Curry & Lacy, LLP

2
3 By: /s/ Christopher A. Dean

4 JOHN L. BURRIS

CHRISTOPHER A. DEAN

Attorneys for Plaintiffs

5 K.C., by and through his Guardian ad Litem,

6 MYISCHA THOMPSON, and D.B., by and

through his Guardian ad Litem, LIBRA WHITE

7
8 **ATTORNEY ATTESTATION**

9 I hereby attest that I have on file all holograph signatures for any signatures indicated by a
10 conformed signature (“/s/”) within this E-filed document or have been authorized by counsel to show
11 their signature on this document as /s/.

12 Dated: June 4, 2024

By: /s/ Mika J. Frisk

13 Mika J. Frisk
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PROPOSED ORDER

PURSUANT TO STIPULATION, IT IS HEREBY ORDERED:

The Initial Case Management Conference, which is presently set for June 12, 2024 at 10:00 a.m.,
is hereby continued to: _____.

Dated: _____

Honorable Rita F. Lin
United States District Court Judge